

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 18-48895

MICHELLE A. ROSYNEK,

Chapter 7

Debtor,

Judge Thomas J. Tucker

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SWIFT FINANCIAL CORPORATION,

Plaintiff,

vs.

Adv. No. 18-4443

MICHELLE A. ROSYNEK,

Defendant.  
\_\_\_\_\_

**ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AS MOOT**

Plaintiff Swift Financial, LLC, f/k/a Swift Financial Corporation, filed this adversary proceeding on September 21, 2018. The sole count of the Complaint filed by Plaintiff alleged that a debt owed by debtor Michelle Rosynek to Plaintiff is nondischargeable in bankruptcy under 11 U.S.C. § 523(a)(2). (Docket # 1). On January 15, 2019, Plaintiff filed a Motion for Summary Judgment. (Docket # 13). Defendant filed a response to the motion on January 28, 2019. (Docket # 14).

Later, on February 13, 2019, Plaintiff filed an amended complaint. (Docket # 17). The amended complaint alleges nondischargeability under 11 U.S.C. § 523(a)(2) (Count 1); 11 U.S.C. § 523(a)(4) (Count 2) and 11 U.S.C. § 523(a)(6) (Count 3).

Plaintiff's amended complaint has rendered Defendant's motion for summary judgment

on the original complaint moot. *See Law v. Stewart*, No. 1:09-cv-503, 2010 WL 2998515, at \* 1 (W.D. Mich. July 23, 2010). An amended complaint supercedes all prior complaints. *Drake v. City of Detroit*, 266 Fed. Appx. 444, 448 (6th Cir. 2008). “Therefore, any motions directed at the original complaint are moot in the face of the filing of the amended complaint.” *Sango v. Johnson*, No. 13-12808, 2014 WL 4658379, at \* 1 (E.D. Mich. 2014) (denying as moot the plaintiff’s motion for summary judgment on the original complaint); *see also Malik v. AT & T Mobility LLC*, No. 1:08-cv-234, 2008 WL 4104555 (W.D. Mich. 2008) (denying as moot the defendant’s motion to dismiss or, in the alternative, for partial summary judgment on the original complaint).

For these reasons,

IT IS ORDERED that Plaintiff’s motion for summary judgment (Docket # 13) is denied, without prejudice, as moot.

**Signed on March 21, 2019**



/s/ **Thomas J. Tucker**

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**Thomas J. Tucker**  
**United States Bankruptcy Judge**